



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,502	04/27/2001	Martyn Gilbert	UDL-5648	3390
26294	7590	01/31/2006	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,502

Applicant(s)

GILBERT, MARTYN

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Amended claims 26-32 are pending. The Final Action is proper.

Claim Rejections - 35 USC § 101

2. The disclosed invention is inoperative and therefore lacks utility (claims 27-28, the communication section is not connected to another device).
3. Claims 27-28 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

It is impossible and undue experiment to the first communications section is **not** connected to another device and the second communications section is **not** connected to another device. How could a communication device can communicate to the other devices when it was not connected ?.

4. Claims 27-28 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2142

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Had [6,430,606 B1].

5. As per claim 26 Haq discloses A device having at least first and second communications sections [Haq, master/slave, Fig 2A] suitable for connection to similar devices along different bi-directional communications links [Haq, a different channel, bi-directional signals, col 19 lines 40-col 20 line 25] said first communications section being arranged to respond to reception of a clock transition signal along a first communications by transmitting a clock transition signal having the same polarity back along said first communications and said second communications section arranged to response reception of a clock transition signal along a second communications link by transmitting a clock transition signal having the opposite polarity back along said second communications link [Haq, opposite polarity, col 18 line 54-col 20 line 40 Fig 19].

6. Claim 27 Haq discloses said first communications section holds first clock logic level and an output, when the first communications section is **not** connected to another device and wherein said second communications section holds a second clock logic level has an opposite polarity to the first clock state logic level an input, when the

second communications section is **not** connected to another device [Haq, opposite polarity, col 18 line 54-col 20 line 40, Fig 4-19]

7. Claim 28 Haq discloses said second communications section holds a first clock logic level as an output, when the second communications section is **not** connected to another device, and wherein said first communications section holds a second clock logic level have an opposite polarity to the first clock state logic level a an output, when the first communications section is **not** connected to another device [Haq, opposite polarity, col 18 line 54-col 20 line 40, Fig 4-19]

8. Claim 29, Haq discloses the linked communication sections form a loop when the first communications section is linked to the second communications section of another device (or vice-versa through a bi-directional communications link), and wherein the device using an oscillating clock transition signal passing around the loop as a clock signal for communication along the communications link [Haq, phase lock loop, Fig 3A-19].

9. Claim 30, Haq discloses the first and second communication sections first linked, the difference between their held input and output clock logic levels causes the oscillating clock transition signals to begin passing arc the loop [Haq, input/output Fig 6A-B,7A-D].

10. Claim 31 Haq discloses An electronic communication network comprising at least first and second devices connected by at least one bi-directional communications wherein a loop is formed by said first device receiving a clock transition signal along the communications link and sending a clock transit signal having the same polarity back along the communication link and said second device receiving a clock transition signal along the communications link and sending clock transition signal having the opposite polarity back along the communications link, and wherein the first and second devices use the oscillating clock transition signals traveling around the loop to provide a clock signal control data transfer along the communication link [Haq, master/slave, Fig 2A ; a different channel, bi-directional signals, col 19 lines 40-col 20 line 25; opposite polarity, col 18 line 54-col 20 line 40 Fig 19].

11. Claim 32 Haq discloses the clock transition signals traveling around the loop are used as said clock signal [Haq, phase lock loop, Fig 3A-19].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong', with a horizontal line underneath.